

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
January 16, 2008

PRESENT: Mayor Reed, Councilmembers Constant, Chirco and Nguyen

ABSENT: Vice Mayor Cortese

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, Redevelopment Agency Assistant Director Gary Miskimon, City Manager Debra Figone, Agenda Manager Nadine Nader, Mayor Council Agenda Manager Alicia Bosco and Deputy City Clerk Nora Pimentel

A. City Council

1. Review January 22, 2008 Final Agenda

NONE – MEETING CANCELED

2. Review of January 29, 2008 Draft Agenda

Document Filed: Memorandum from City Clerk Lee Price dated January 10, 2008 recommending direction to agendize approval of a grant agreement with San José East Evergreen Rotary

Action: The Committee approved the following additions to the January 29, 2008 Agenda:

- Excused absence for Councilmember Constant. (Constant)
- Approval of grant agreement with San José East Evergreen Rotary in the amount of \$7,500. (Cortese)

B. Redevelopment Agency

1. Review January 22, 2008 Final Agenda

NONE – MEETING CANCELED

2. Review January 29, 2008 Draft Agenda

Action: The Committee approved the January 29, 2008 Draft Agenda with no additional changes.

C. Legislative Update

1. State

a. Neighborhood Speed and Traffic Enforcement

Document Filed: Joint memorandum from Police Chief Rob Davis, Transportation Director Jim Helmer and Intergovernmental Relations Director Betsy Shotwell dated December 5, 2007 updating City Council on the status of implementing the Mayor's June Budget Message regarding establishing a three motor officer team in the Traffic Enforcement Unit (TEU)

Action: This item was deferred to January 23, 2008.

b. Accept City Positions on the February 5, 2008 Statewide Presidential Primary Election Ballot – Propositions 91 through 97.

Documents Filed: Memorandum from Betsy Shotwell, Director of Intergovernmental Relations dated January 10, 2008 recommending approval on City positions on the February 5, 2008 Statewide Presidential Primary Election Ballot – Propositions 91 through 97

Action: The Committee approved the recommendations and forwarded this item to the January 29, 2008 Council Agenda.

c. Status of the Governor's Proposed FY 08-09 State Budget (Verbal Report)

City Lobbyist Roxanne Miller provided a verbal status report on the Governor's Proposed FY 08-09 State Budget.

2. Federal

None.

D. Meeting Schedules

None

E. The Public Record

Documents Filed: Memorandum from Lee Price, City Clerk dated December 6, 2007 transmitting the Public Record for the week of November 20-December 6, 2007.

Discussion was held on the letter from the Human Rights Commission to Mayor Reed and Council dated January 8, 2008 requesting a Council proclamation supporting the Human Rights Torch Relay (Item C).

Public Comment: The following appeared to support the Human Rights Torch Relay: Maria Centurion, Qian Zhang, Chenghan Wu, Perple Lu, Phung Tran, Yung Tran, Ying Nuay, Ruby Deng, Stephanie Li, Donna Chen, Dived Zheng, Khang Vo, David Hui and Nan Su.

Action: The request was referred to the Mayor's Office for consideration as a ceremonial within the limits of Council Policy No. 0-11.

Action: The Committee noted and filed the Public Record. Items A and B regarding internet filters on library computers were forwarded to the Committee for consideration on January 23, 2008.

F. Appointments to Boards, Commissions and Committees

1. Deferred Compensation Advisory Committee Appointment.

Document Filed: Memorandum from Human Resources Director Mark Danaj dated January 3, 2008 recommending appointment of Conrad Taylor to the Deferred Compensation Advisory Committee.

Action: The Committee approved the appointment.

G. Rules Committee Reviews, Recommendations and Approvals

1. Authority to sponsor legislation for the Transfer of Solar Energy.

Documents Filed: Memorandum from Mayor Reed dated January 11, 2008 recommending the City of San José sponsor legislation that would allow for the transfer of energy produced on city facilities.

Action: The Committee approved the recommendation.

2. Status Report relating to Internet Filtering Proposal and Computer Use at San José Public Libraries

Action: This item was deferred to January 23, 2008.

3. Halt use of non-recyclable and non-compostable plastic bags in grocery and retail stores in San José

Documents Filed: Joint memorandum from Mayor Chuck Reed, Councilmembers Kansen Chu and Nora Campos dated January 7, 2008 recommending adding a proposal to prohibit non-recyclable and non-compostable plastic checkout bags in Grocery and Retail Stores in San José to the initiatives under the Green Vision "Zero Waste" goal

Councilmember Kansen Chu spoke to the merits of the proposal. City Manager Deb Figone recommended that the Committee refer the matter to staff to add to the Green Vision Work Plan. She also noted that staff would include outreach to supermarkets as part of the plan.

Public Comment: Brian Early from Californians Against Waste spoke in favor of the ban and offered his services to the City.

Action: The Committee referred this item to staff for evaluation as part of the implementation plan for the Green Vision.

4. Accept report in response to the Park West Landscape Inc.'s December 2007 Letter

Document Filed: Memorandum from Public Works Director Katy Allen dated January 9, 2008 responding to the December 6, 2007 letter sent by Park West Landscape Inc./Corde Terra Family Apartments requesting Council to consider waiving penalties.

Action: The Committee accepted the staff report.

5. Attendance for Rules and Open Government Committee and Approval of excused absences

Document Filed: Memorandum from Mayor Chuck Reed dated January 10, 2008 providing dates that Councilmember Nguyen will be attending Rules and Open Government Committee meetings for Vice Mayor Cortese in his absence and recommending that the absences be excused.

Action: The Committee approved the schedule and forwarded the approval of excused absences to the City Council.

H. Review of additions to Council Committee Agendas

- 1. Community and Economic Development Committee**
 - 2. Neighborhood Services and Education Committee**
 - 3. Transportation and Environment Committee**
 - 4. Request for Transportation and Environment Committee Workplan**
- None.

I. Open Government Initiatives

1. Reed Reforms

None.

2. Sunshine Reform Task Force (SRTF)

a. Review of remaining provisions of Sunshine Reform Task Force Phase 1 Report and Recommendations.

Discussion continued regarding applying the SRTF recommendations to City Boards and Commissions.

Action: The Committee approved the following SRTF recommendations for City Boards and Commissions: audio record meetings, post draft Action minutes not more than 10 days after the meeting, and leave public testimony speaking time to the Chair's discretion.

Discussion followed regarding applying the SRTF recommendations to “other advisory entities”. Communications Director Tom Manheim summarized the types of bodies classified and explained that they each fall into one of two groups: 1) subject to the Brown Act and 2) not subject to the Brown Act. Mayor Reed argued that meetings of advisory entities should be open to the public even if the group is not subject to the Brown Act.

City Manager Deb Figone noted that there may be constraints to being open to the public, depending upon the nature of the business. Housing Director Leslye Krutko noted that City staff are not opposed to open meetings but need guidance on noticing requirements.

SRTF Chair Ed Rast suggested that the Council consider if the public is better served by having meetings open to the public or closed.

Action: The Committee directed staff to consult with groups listed in the category “Not subject to the Brown Act” to determine reasons why meetings may not be open to the public; develop a category for other advisory entities “open to the public” but not rigorously held to Brown Act requirements regarding noticing, etc. and; further, to come back with a definition of “ad hoc” body.

3. Significant Public Records Act Requests

4. Council Policy Manual Update

None.

J. Open Forum

None.

K. Adjournment

The meeting was adjourned at 4:06 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee